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Total Number of Pages in This Submission

| | |
|------------------------|------------------------|
| Application Number | 10/607,227 |
| Filing Date | June 26, 2003 |
| First Named Inventor | William E. Spindler |
| Art Unit | 1746 |
| Examiner Name | Bibi Sharidan Carrillo |
| Attorney Docket Number | 00256.10001 |

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

| | | |
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| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
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| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
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| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> Submission of Prior Art Under 37 CFR 1.501 (2 pgs) |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | <input type="checkbox"/> Exhibit 1 (1 pg.) |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> Exhibit 2 (4pgs.) |
| <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application | <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> Exhibit 3 (1 pg.) |
| <input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Remarks | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|-----------------------|----------|--------|
| Firm Name | Fox Rothschild LLP | | |
| Signature | | | |
| Printed name | Jonathan R. Lagarenne | | |
| Date | March 12, 2007 | Reg. No. | 59,974 |

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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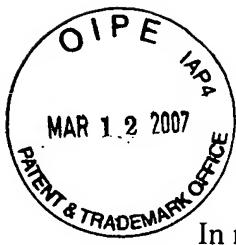
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Margaret Ackerman

Date March 12, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

William E. Spindler

Application Serial No.: 10/607,227

Group Art Unit:

1746

Filed: June 26, 2003

For: CLEANING COMPOUND FOR
CLEANING SURFACES IN A FOOD
PROCESSING ENVIRONMENTExaminer:
Bibi Sharidan Carrillo

X

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF PRIOR ART UNDER 37 CFR 1.501

Dear Sir:

This undersigned herewith submits in the above-identified patent application the following prior art (including copies thereof) which is pertinent and applicable to the application and is believed to have a bearing on the patentability of claims 1-36 thereof:

Each of the references describes and discloses the compositions and method similar to Spindler U.S. Patent Publication No. 2004/0266639 in having an alkaline agent and sodium per carbonate. It is believed that each of the references has a bearing on all the claims on the Spindler Application.

1. A formulating guide from Solvay Chemical Technical Data Sheet describing sodium per carbonate and soda ash and methods of their use.
2. Material Safety Data Sheet for cleaning product AFCO R#2547, prepared on June 8, 1990, describing sodium percarbonate, dialkyl, dimethyl ammonium chloride, dimethyl benzyl ammonium chloride.

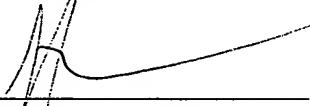


3. Quality control instructions for AFCO R#2547 describing detection of alkalinity and sodium per carbonate supplied to the Purdue Farms in 1990.

A person of ordinary skill in the art at the time the invention was made would have been led by the suggestion of the above references to arrive at the invention disclosed by Spindler.

Thank you for your kind consideration in this matter.

Respectfully submitted,



Jonathan P. Lagarenne
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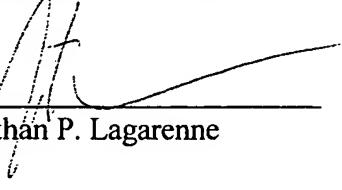
Date: March 12, 2007

CERTIFICATE OF SERVICE

I hereby certify on this 12th day of March, that a true and correct copy of the foregoing "Submission of Prior Art" was mailed by first-class mail, postage paid, to:

William E. Spindler
7018 Woodcroft Lane
Fort Wayne, Indiana 46804

Respectfully submitted,



Jonathan P. Lagarenne

Date: March 12, 2007

FB® Sodium Percarbonate



A Formulating Guide Technical Data Sheet

Abrasive scouring cleanser

60.0% FB® Sodium Percarbonate
10.0% Abrasive
25.0% Soda ash
5.0% Soap flakes

Dosage

Sprinkle on wet surface and scrub with a sponge. Rinse well. For heavily stained surfaces, allow powder to act for several minutes before rinsing.

Concrete cleaner

78.0% FB® Sodium Percarbonate
20.0% Soda ash
2.0% Anionic surfactant

} Jim Linn 1/17/02
Same as Wayne's formula

Blend

Blend soda ash with warm anionic surfactant over a 1-2 minute period. Add PCS to the cool mix.

Dosage

Sprinkle on wet surface and scrub vigorously. Rinse.

Vinyl siding cleaner

28.0% FB® Sodium Percarbonate
72.0% Trisodium phosphate (anhydrous)

Dosage

Mix 1 cup with 5 gallons of water and stir. Apply with sprayer, brush, mop or roller. Let stand 5-10 minutes. Scrub with stiff-bristled broom. Rinse well.

Exterior paint cleaner

40.0% FB® Sodium Percarbonate
60.0% Trisodium phosphate (anhydrous)

Dosage

Mix 1 cup with 5 gallons of water and stir. Apply with sprayer, brush, mop or roller. Let stand 5-10 minutes. Scrub with a stiff-bristled broom. Rinse well. Allow surface to dry completely before painting.

MATERIAL SAFETY DATA SHEET- R#2547

SECTION I - IDENTIFICATION

IDENTITY.....AFCO R-2547
MANUFACTURER'S NAME.....ALEX C. FERGUSSON, INC.
ADDRESS.....SPRING MILL DRIVE
FRAZER, PA 19355
EMERGENCY PHONE NUMBER...610-647-3300 (AFCO)
1-800-424-9300 (CHEMTREC)
DATE PREPARED.....6/8/90

SECTION II - HAZARDOUS INGREDIENTS

EXPOSURE LIMITS PPM

| <u>HAZARDOUS COMPONENTS</u> | <u>OSHA PEL</u> | <u>ACGIH TLV</u> | <u>OTHER LIMITS</u> | <u>CAS NO.</u> | <u>PCT</u> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------|---------------------|----------------|------------|
| n-ALKYL (C ₁₄ , 50%; C ₁₂ , 40%; C ₁₆ , 10%) DIMETHYL BENZYL AMMONIUM CHLORIDE | NA | NA | NA | 139-08-2 | <5 |
| DIALKYL (C ₈ /C ₁₀ -50%, C ₈ /C ₈ -25%, C ₁₀ /C ₁₀ -25%) DIMETHYL AMMONIUM CHLORIDE | NA | NA | NA | 68424-95-3 | <5 |
| SODIUM PERCARBONATE | NA | NA | NA | 15630-89-4 | <50 |

THE SPECIFIC CHEMICAL IDENTITY OF THE NON-HAZARDOUS INGREDIENTS IN THIS PRODUCT ARE BEING WITHHELD AS A "TRADE SECRET".

SECTION III - PHYSICAL/CHEMICAL CHARACTERISTICS

BOILING POINT.....NA
VAPOR PRESSURE (mm HG).....NA
VAPOR DENSITY (AIR = 1).....NA
SOLUBILITY IN WATER.....COMPLETE
APPEARANCE/ODOR.....WHITE POWDER, CHARACTERISTIC ODOR
SPECIFIC GRAVITY ($H_2O = 1$)..NA
MELTING POINT.....ND

SECTION IV - FIRE AND EXPLOSION HAZARD DATA

FLASH POINT..... NONE
FLAMMABLE LIMITS..... NA
LOWER EXPLOSION LIMIT..... NA
UPPER EXPLOSION LIMIT..... NA

MATERIAL SAFETY DATA SHEET- R#2547

EXTINGUISHING MEDIA.....NA

SPECIAL FIRE FIGHTING PROCEDURES....SELF-CONTAINED BREATHING APPARATUS AND PROTECTIVE CLOTHING SHOULD BE WORN BY FIREFIGHTERS IN AREAS WHERE PRODUCT IS STORED. COOL FIRE-EXPOSED CONTAINERS WITH WATER SPRAY.

UNUSUAL FIRE AND EXPLOSION HAZARD..PRODUCTS OF THERMAL DECOMPOSITION ARE TOXIC. OXYGEN EVOLUTION AS A RESULT OF DECOMPOSITION MAY BURST SEALED CONTAINERS AND ACCELERATE THE BURNING RATES OF OTHER COMBUSTIBLE MATERIALS. DAMP PRODUCT IN CONTACT WITH PAPER, WOOD, CLOTH, ETC. MAY CAUSE SPONTANEOUS COMUSTION OF THE ORGANIC MATERIAL.

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SECTION V - REACTIVITY DATA

=====

STABILITY:

UNSTABLE -

STABLE -X

CONDITIONS TO AVOID.....EXCESSIVE HEAT AND MOISTURE SHOULD BE AVOIDED.

INCOMPATIBLE MATERIALS.....CONTAMINATION WITH ACIDS, REDUCING AGENTS, AND METALLIC IONS MAY CAUSE CATALYTIC DECOMPOSITION.

DECOMPOSITION OR BYPRODUCTS..THERMAL DECOMPOSITION YIELDS CARBON MONOXIDE, CARBON DIOXIDE, AMMONIA, NITROUS OXIDES, HYDROGEN CHLORIDE, OXYGEN.

HAZARDOUS POLYMERIZATION:

MAY OCCUR -

WILL NOT OCCUR -X

CONDITIONS TO AVOID.....NONE KNOWN

=====

SECTION VI - HEALTH HAZARD DATA

=====

PRIMARY ROUTES OF ENTRY

INHALATION ?.....YES

SKIN ?.....YES

INGESTION ?.....NO

HEALTH HAZARDS (ACUTE AND CHRONIC)

ACUTE.....

EYES: DIRECT CONTACT WITH EYES CAN CAUSE SEVERE EYE DAMAGE.

SKIN: REPEATED SKIN CONTACT CAN CAUSE SEVERE IRRITATION.

INHALATION: INHALATION OF DUST CAN CAUSE IRRITATION TO MUCOUS MEMBRANES.

INGESTION: MAY BE HARMFUL IF SWALLOWED.

CHRONIC.....NONE KNOWN

CARCINOGENICITY

NTP ?.....NOT LISTED

IARC MONOGRAPHS ?.....NOT LISTED

OSHA REGULATED ?.....NO

SIGNS AND SYMPTOMS OF EXPOSURE.....MAY CAUSE EYE AND SKIN IRRITATION UPON CONTACT. INHALATION CAN IRRITATE MUCOUS MEMBRANES.

MEDICAL CONDITIONS GENERALLY AGGRAVATED BY EXPOSURE.....DERMATITIS

EMERGENCY AND FIRST AID PROCEDURES....

EYES: FOR EYE CONTACT, RINSE EYES WELL WITH PLENTY OF WATER FOR 15 MINUTES, THEN CONSULT PHYSICIAN IMMEDIATELY.

SKIN: FOR SKIN CONTACT, FLUSH CONTACT AREA WELL WITH WATER FOR 15 MINUTES. IF IRRITATION OCCURS, CONSULT PHYSICIAN.

INHALATION: REMOVE TO FRESH AIR.

INGESTION: DO NOT GIVE ANYTHING BY MOUTH TO AN UNCONSCIOUS PERSON. DO NOT INDUCE VOMITING. GIVE LARGE QUANTITIES OF WATER TO DRINK. CONSULT PHYSICIAN IMMEDIATELY.

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SECTION VII - PRECAUTIONS FOR SAFE HANDLING AND USE

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STEPS TO BE TAKEN IN CASE MATERIAL IS RELEASED OR SPILLED...WORKERS INVOLVED IN CLEAN-UP SHOULD WEAR PROTECTIVE CLOTHING AND SELF-CONTAINED BREATHING APPARATUS. SWEEP UP. DO NOT RETURN TO ORIGINAL CONTAINER. BAG SPILL IN CLEAN DRY PLASTIC BAGS. DO NOT FLUSH TO SEWER OR TO OPEN BODIES OF WATER SUCH AS STREAMS, LAKES, OR PONDS.

WASTE DISPOSAL METHOD.....PACKAGE, STORE, TRANSPORT AND DISPOSE OF ALL PRODUCT WASTE ACCORDING TO ALL APPLICABLE FEDERAL, STATE AND LOCAL REGULATIONS FOR QUATERNARY AMMONIUM COMPOUNDS AND SODIUM PERCARBONATE.

PRECAUTIONS TO BE TAKEN IN HANDLING AND STORING....KEEP CONTAINER CLOSED WHEN NOT IN USE. STORE IN A COOL, DRY VENTILATED AREA IN THE ORIGINAL SIPPING CONTAINER. CONTAINERS SHOULD BE KEPT WELL SEALED TO AVOID PENETRATION OF MOISTURE OR DIRT.

OTHER PRECAUTIONS.....ALWAYS WEAR PROTECTIVE CLOTHING DESCRIBED BELOW WHEN HANDLING PRODUCT.

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SECTION VIII - CONTROL MEASURES

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RESPIRATORY PROTECTION (SPECIFY TYPE)...NONE REQUIRED

VENTILATION

LOCAL EXHAUST.....AS NEEDED TO ELIMINATE DUST.

SPECIAL.....NA

MECHANICAL.....NA

OTHER.....NA

PROTECTIVE GLOVES.....RUBBER OR NEOPRENE

EYE PROTECTION.....CHEMICAL SAFETY GOGGLES

OTHER PROTECTIVE CLOTHING AND EQUIPMENT...COVERALLS, CHEMICALLY RESISTANT SHOES, SHOWER AND EYE WASH FACILITY.

WORK/HYGENIC PRACTICES.....AVOID SKIN AND EYE CONTACT. WASH THOROUGHLY AFTER HANDLING. DO NOT BREATHE DUST.



QC PROCEDURES FOR AFCO R-2547 (6/8/90)

1) DETERMINATION OF ACTIVE AND TOTAL ALKALINITY

Weigh out 10.0 grams of AFCO R-2547. Transfer to a 1.0 liter volumetric flask containing about 900 ml of deionized water. Dilute with deionized water to 1.0 liter mark then mix with magnetic stirrer until all the AFCO R-2547 is dissolved. Transfer a 100 ml aliquot of the R-2547 solution to a 250 ml Erlenmeyer flask. Add 2-3 drops phenolphthalein indicator. Solution will turn pink. Titrate with 0.5N HCl until the pink color disappears and the solution becomes colorless. Record the volume of 0.5N HCl used. This is volume A. Then add 2-3 drops methyl orange indicator. Titrate with 0.5 N HCl until the solution changes from yellow to orange. Record the volume of 0.5N HCl used. This is volume B. Use the following equations to determine the active and total alkalinitiess:

$$\% \text{ ACTIVE ALKALINITY (as Na}_2\text{O)} = (A) \times 1.55$$

$$\% \text{ TOTAL ALKALINITY (as Na}_2\text{O)} = (B) \times 1.55$$

2) DETERMINATION OF AVAILABLE OXYGEN

Place 50 ml 10% (v/v) sulfuric acid in a 250 ml Erlenmeyer flask. Transfer a 25.0 ml aliquot of the 10 g/l AFCO R-2547 solution from the alkalinity determination to the flask containing the 10% sulfuric acid. Titrate with 0.10 N potassium permanganate solution to the appearance of the first pink color which persists for at least 30 seconds. Record the volume of 0.10 N potassium permanganate used. Use the following equation to determine the % available oxygen:

$$\% \text{ AVAILABLE OXYGEN} = (\text{ml 0.1N KMnO}_4) \times (0.32)$$